

Annex 1

Non-molestation Order under Section 42 of the Family Law Act 1996

In the Family Court at

Case No.

Applicant

Respondent

To

Of address [unknown]

Date of birth

IMPORTANT

The court made this order against you on [date]. You must obey this order. You should read it carefully. If you do not understand anything in this order you should go to a solicitor, Legal Advice Centre or Citizens Advice Bureau. You have a right to apply to the court to change or cancel this order.

If you do anything which you are forbidden from doing by this order, you will be committing a criminal offence unless you have a reasonable excuse. If you are convicted the court could impose a term of imprisonment up to five years or a fine or both.

Alternatively, if you do not obey this order, you will be guilty of contempt of court and may be fined or sent to prison.

Where this order says 'the applicant' it means [NAME].

Where this order says 'the child/ren' it means [NAME(S)]

THE COURT ORDERED THAT:

You must not do any of the following things and you must not ask or encourage another person to do any of the following things for you.

You must not:

1. Contact or try to contact or communicate with the applicant in any way or by any means except that (i) you can contact the applicant through solicitors and/or through an agreed third party to make child contact arrangements (ii) you can

contact the applicant directly by *[insert means of communication]* to make arrangements about the child/ren. *[Retain or strike out whichever of (i) and (ii) do not apply]*

2. Go to or enter any place where the applicant lives or is staying or visiting or working.
3. Go to or travel on *[road name]* but (i) you can enter *[road name]* to facilitate contact arrangements for the child/ren which must be agreed in writing or ordered by the court (ii) but otherwise you cannot park your vehicle or leave your bicycle/motorbike or scooter in *[road name]*. *[Strike out whichever of (i) and (ii) do not apply – if there is no need for the Respondent to enter the named road at all, neither (i) nor (ii) will be appropriate]*.
4. Contact or communicate with the child/ren in any way or by any means except for any contact or communication which the court has ordered or has been agreed in advance between the parties in writing. *[only include this provision where necessary and justified on the facts]*.
5. Track where the applicant is or what the applicant is doing and/or *the child/ren* by any means including but not limited to electronic devices or apps *[only include this provision relating to the child/ren where necessary and justified on the facts]*.
6. Damage, interfere with or dispose of, in any way any property belonging to the applicant or jointly owned by you and the applicant unless a court order allows you to dispose of any such property.
7. Post or threaten to post about the applicant and/or *the child/ren* and/or these proceedings on the internet or social media *[only include this provision where necessary and justified on the facts]*.
8. Disclose or threaten to disclose private sexual images or films of the applicant to any third party or organisation *[only include this provision where necessary and justified on the facts]*.
9. If the applicant does not have solicitors, this order does not prevent you from sending documents in respect of these or any other proceedings directly to them. If the applicant has solicitors, you should send any documents to the solicitors.

This order shall remain in force until 4.00 p.m. on ***

INFORMATION ABOUT THE ORDER

1. The court made this order after reading the statement made by the applicant [and hearing the following additional information ----]
2. The court did not tell you before the order was made, because the court decided there was a risk that the applicant may be intimidated or prevented from making the application.

3. The court has not yet made any decisions about whether the statement made by the applicant is true and has not yet determined what happened if anything.
4. The court will send you the date of a court hearing. A form accompanies this order which you should complete and return to the court no less than 5 working days before the hearing which tells the court what you say should happen.
5. If you do not come to the court hearing the order will stay in place until its end date.
6. If necessary you can ask the court to have the court hearing very urgently but you must explain in writing why it is so urgent and you must send a copy of your explanation to the applicant.
7. When it is not possible to apply within court hours, you can contact the security office at the Royal Courts of Justice (020 7947 6000 or 020 7947 6260) and a duty judge may agree to consider it.
8. Family Procedure Rules Part 3A.2A will apply and the court will put in place special measures as the applicant is assumed to be a person whose participation is diminished by reason of the allegations of domestic abuse.

SERVICE

1. The applicant shall make arrangements for personal service of this order on the Respondent but shall not attempt to serve it themselves OR As the applicant is a litigant in person and has requested bailiff service the court shall arrange for the court bailiff to serve this order on the respondent.

Note to the Arresting Officer
Under Section 42A of the Family Law Act 1996 breach of a Non-Molestation Order is a criminal offence punishable by up to five years imprisonment. It is not necessary to obtain a warrant.